HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 931 OF 1997.

Santosh S. Daiwadhnya & Ano. ..Petitioners.

Versus.

The State of Maharashtra & Others. ..Respondents.

Mr. Parag Shelke h/f Mr. A. A. Khumbhakoni for the petitioner.

for the respondents.

Mr. C. R. Sonawane, A.G.P. for the State respondent nos. 1 & 3.

Mr. Tejpal S. Ingale for respondent no.2.

CORAM: S. B. MHASE &
SMT. NISHITA MHATRE, JJ.

DATE: FEBRUARY 7, 2007.

P.C.

1. By this petition, the petitioner has approached to this Court under Article 226 of the Constitution of India challenging the Notification issued under section 6 of the Land Acquisition Act, 1894 bearing No. SaBha/BhuSan /RR-Tin/568/96 dated 30.12.1996, whereby the land of the petitioner bearing Gat No. 35 was acquired by the respondent. However, now the respondent - Govt. of Maharashtra has filed an affidavit of Mr. Nagnath Rohidas Solapure, Assistant Town Planner for and on behalf of the respondent no.2, i.e., Special

Land Acquisition Officer No. XI, Kolhapur. He has stated that the land under acquisition of this proposal, i.e., Gut Nos. 34, 35, 39 was already exempted from Land Acquisition Procedure, hence the award of this land acquisition proposal has not been passed by the Special Land Acquisition Officer, No.(XI), Kolhapur. Therefore, the land in acquisition of this proposal, i.e., Gut No. 34, 35, 39 is neither acquired nor acquisition proceeding is pending for the said land of this proposal. Thus, the said Land Acquisition Officer has made a categorical statement that the acquisition proceeding in respect of this land is dropped by them, and as on today there is no acquisition proceeding or award passed in respect of this land in consonance with a Notification under section 6 which is challenged in this petition. We accept the statement made by the State Government in the affidavit in reply of Shri. Nagnath Rohidas Solapure. In view of this statement, nothing survives in this writ petition. Petition is hereby disposed of as infructuous. Rule discharged.

(SMT. NISHITA MHATRE, J.) **(S.B.MHASE, J.)**

:sachin/2007/nnm/..